



**PLANNING COMMISSION  
REGULAR MEETING**

July 01, 2020 // 5:00 p.m. // Zoom Webinar

**NOTE: This meeting was held virtually**

A. CALL TO ORDER

Vice-Chairman Schick called the regular meeting of the Planning Commission to order at 5:02 p.m.

1. Roll Call

The following Planning Commission Members were present:

Gale Schick  
Kelly Hall  
Doug Dennison  
Jerry Bushelman  
Cindy Scheuerman  
Timothy Reddick

Also present:

Barry Wilson, Town Board Liaison  
Paul Hornbeck, Senior Planner  
David Eisenbraun, Senior Planner  
Scott Ballstadt, Planning Director  
Carlin Malone, Chief Planner  
Ian McCargar, Town Attorney  
McKenzie Paine, Visual Media Coordinator  
Trisha Conway, Deputy Town Clerk

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

**Mr. Dennison moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Hall, Dennison, Bushelman, Reddick**

**Nays – None**

**Motion carried.**

3. Public Invited to be heard

Mr. Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR\*

1. Approval of minutes of May 6, 2020

**Mr. Bushelman moved to approve the consent calendar as presented; Mr. Reddick seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Hall, Dennison, Bushelman, Reddick**

**Nays – None**

**Motion carried.**

## BOARD ACTION

1. Preliminary Site Plan – Raindance Subdivision 12<sup>th</sup> Filing – David Nelson, Raindance Development LLC, owner; Larry Buckendorf and Morgan Kidder, authorized representatives and Brian Williamson, John Meyers, TST, applicants.
  - Quasi-judicial
  - Staff presentation: David Eisenbraun, Senior Planner

Per Mr. Eisenbraun, the applicant, Mr. Brian Williamson, has submitted, on behalf of the owner Mr. David Nelson, a preliminary site plan for a multifamily residential development known as Raindance Subdivision Twelfth Filing.

Mr. Eisenbraun stated that the site plan was reviewed in accordance to the Town's Municipal Code regarding site plans for multifamily residential. The site plan encompasses approximately 31.85 acres and is zoned Planned Unit Development (PUD). Located on the East side of CR 13 / Colorado Blvd., North of New Liberty Drive, South of Cherry Blossom Drive and West of Abundance, Sunset Vista, and Autumn Moon Drive.

Mr. Eisenbraun presented illustrations of the proposed site layout. He stated that the project intent is to construct 25 multi-family buildings, 11 stand-alone garages, a club house with pool and one maintenance building on the combined 31.85-acre site. The proposal consists of (25) 3 story, apartment buildings with 21 units per building. Each building consists of (10) 1-bedroom apartments, (9) 2-bedroom apartments and (2) 3-bedroom apartments. Each building also contains 7 garaged parking spaces. There is a total of 525 units with an overall density of 16.48 DU/AC.

The 525 units consist of 250 one-bedroom, 225 two-bedroom, and 50 three-bedrooms. Based on the current site plan, total parking required, based on the current Town of Windsor Municipal Code, would be 875 spaces. The total parking provided for the 525 units is currently showing 969 spaces, including 175 spaces of in-building garage parking and an additional 44 spaces of standalone garage parking. This tract is part of the Raindance Planned Unit Development, which provides the zoning standards for this parcel.

Site Amenities include two dog parks, central planting/gardening space, central gathering court with pavilion and bocce ball courts, along with club house and pool facilities. Access to the site will connect to Cherry Blossom Drive, Abundance Drive, Sunset Vista Drive and New Liberty Road.

Mr. Eisenbraun presented a slide showing the Preliminary Site Plan characteristics:

- 31.85 total acres
- 525 apartment units
  - 25 - three-story buildings (17%)
  - 21 units per building
- Product Type:
  - 1-3 bedroom units with a variety of parking options; 35 spaces per building, 875 required
  - 750 surface spaces, 175 attached garage and 44 detached garage spaces; 969 provided

- o Two building color schemes, plus a clubhouse
- o Painted board and batten siding, stone veneer, and cementitious siding
- o Asphalt shingles (primary roof), standing seam metal roof
- o Covered porches and balconies
- o Building height – 43'-8"
- Density: 16.48 du/ac
- Total open space including drainage: ~ 16.21 acres (51%)
- Parks: Not applicable due to location proximity of Raindance Subdivision 7th Filing, Raindance Community Park (Owned and maintained by metropolitan district). Site does have open space amenities such as orchards, dog parks and a pool.

Mr. Eisenbraun presented slides with the following information and stated that the application is consistent with the following goals and objectives of the Comprehensive Plan:

**Chapter 5b – Growth Framework**

**Goal:** Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

**Objectives**

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

**Chapter 5c – Residential Areas Framework**

**Goal:** Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

**Objectives**

- Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small-town feel.

A neighborhood meeting and public hearing are not required with a preliminary site plan.

Therefore, Staff recommends that the Planning Commission approve the preliminary site plan as presented, subject to all remaining Planning Commission and staff comments being addressed on the final site plan.

Chairman Schick asked if there were any comments or questions from the Commission.

Mr. Bushelman stated he does not like the location of the development, due to the district next-door being estate.

Chairman Schick asked Mr. Eisenbraun to pass this comment on to the applicant.

Mr. Eisenbraun stated the applicant has a short presentation.

Chairman Schick stated: please enter that information into the record.

**Mr. Bushelman moved to approve the preliminary site plan Rairdance subdivision 12<sup>th</sup> filing as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Scheuerman  
Nays – Bushelman, Reddick  
Motion carried.**

2. Public Hearing – Final Major Subdivision – Fossil Creek Ranch Subdivision 1<sup>st</sup> Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russell + Mills Studios, applicant’s representative.
  - Quasi-judicial
  - Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck stated he would like to turn the presentation over to Ian McCargar, Town Attorney for Town of Windsor.

Mr. McCargar stated: staff has informed me that this matter was scheduled based upon representation from the developer that all mineral owners had been notified in accordance with the Statute. Further stating that we would expect that all mineral owners so notified would have waived their objections or withdrawn any objections, which would have satisfied the statute of a surface use agreement. We haven’t seen that there is only one mineral rights owner to the notification in which we’ve been provided, and it appears to have an incorrect legal description. The Statute requires that the legal description be complete, and in this case the legal description is incorrect: the reference to Section 15, should have been to Section 10, and the mineral owner in Section 10 has therefore not been correctly notified. Additionally, from the notification that’s been provided by the developer, the time of day for today’s hearing was incorrectly stated, which is also a Statutory requirement. We don’t have all mineral owners waiving or objecting or entering into a surface use agreement. Staff scheduled this hearing with the intent those things would be corrected by 4:00 p.m. today. At staff’s request, we postpone this hearing indefinitely, and will reschedule once the statutory requirements have been met.

**Mr. Bushelman moved to postpone board action agenda items 3, 4, and 5 indefinitely, subject to all remaining Planning Commission and staff comments being addressed; Mr. Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick  
Nays – None  
Motion carried.**

3. Recommendation to Town Board – Final Major Subdivision – Fossil Creek Ranch Subdivision 1<sup>st</sup> Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russell + Mills Studios, applicants’ representative.
  - Quasi-judicial
  - Staff presentation: Paul Hornbeck, Senior Planner

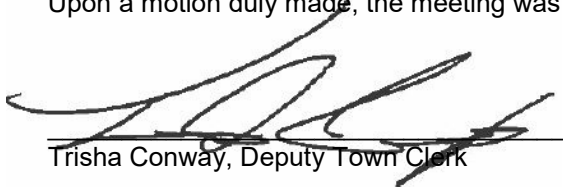
4. Public Hearing – Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russell + Mills Studios, applicants’ representative.
  - Quasi-judicial
  - Staff presentation: Paul Hornbeck, Senior Planner
  
5. Recommendation to Town Board – Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russell + Mills Studios, applicants’ representative.
  - Quasi-judicial
  - Staff presentation: Paul Hornbeck, Senior Planner

C. COMMUNICATIONS

1. Communications from the Planning Commission
  - Ms. Scheuerman won't be available at the July 15, 2020 Planning Commission meeting.
  
2. Communications from the Town Board liaison
  - Mr. Wilson stated last week we had a (2) day Strategic Planning session with our new Town Board members, and Julie Cline was appointed to District 4.
  
3. Communications from the Staff
  - Ms. Malone wanted to check the availability of the Commission for Town Board meeting July 15, 2020. Yeas – Schick, Bushelman, Dennison, Hall, Reddick.
  - Mr. Ballstadt asked whether the earlier start time would continue to work after our next meeting July 15<sup>th</sup>, and the commission responded earliest start time would be 6:00 p.m. Planning staff is still working remotely, and starting to have (1) staff member present at Town Hall during the week on a rotating schedule. All face-to-face meetings require an appointment, and we will monitor that moving forward. He stated the Town had issued 237 single-family permits this year for 2020, and has seen some fairly large numbers of permits submitted recently.
  - Ms. Conway reminded the Commission to check e-mail and return those Voter Affirmation forms by Thursday, July 2<sup>nd</sup>, 2:00 p.m.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 5:33 p.m.



Trisha Conway, Deputy Town Clerk